

Dwyer, Flanagan, Ledbetter, Morris, Moore, Randle, Russell, Stirman, Swift and Westfall—14.

NAYS—Senators Allison, Ball, Bradshaw, Bradley, Dillard, Davenport, Ellis, Erath, Hobby, Ireland, Parker and Wood—12.

Senator Flanagan moved to reconsider the vote just taken, and to lay the motion to reconsider on the table.

Senator Ireland moved to adjourn until 9 o'clock A. M., to-morrow. Lost by the following vote :

YEAS—Senators Allison, Ball, Bradshaw, Bradley, Dillard, Davenport, Ellis, Erath, Hobby, Ireland, Parker and Wood—12.

NAYS—Senators Baker, Burton, Camp, Culberson, Dwyer, Flanagan, Ledbetter, Morris, Moore, Randle, Russell, Stirman, Swift and Westfall—14.

The motion of Senator Flanagan to reconsider, and to lay the motion to reconsider on the table, was adopted.

On motion of Senator Erath, the Senate stood adjourned until 10:30 o'clock A. M., on Wednesday.

FORTY-THIRD DAY.

SENATE CHAMBER,
AUSTIN, March 3, 1875.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Wood, the reading of the journal of Monday was dispensed with.

The President of the Senate presented the following communication from Senator Culberson :

SENATE CHAMBER,
AUSTIN, March 2, 1875.

Hon. R. B. Hubbard, President of the Senate :

My resignation of the office of Senator, for the term of four years, from the Seventh Judicial District, takes effect on to-morrow, the 3rd instant. You will, therefore, on the morning call, cause my name to be omitted from the roll of Senators. In making this announcement of the termination of my official relations with the Senate, I beg

to tender to each of its officers my thanks for their uniform courtesy and kindness; and to express the sincere wish that a happy and prosperous future may be allotted each member of the Senate. I part from them with regret—proud of their friendship, and grateful for their kindness.

Respectfully,

D. B. CULBERSON.

Read and ordered spread on the journals.

Senator Russell presented a petition from citizens of Uvalde, Edwards and Bandera counties, "Asking for a new county to be called Montana." Read and referred to Committee on Counties and County Boundaries.

Senator Baker presented a petition from Thomas W. Marshall, of Harris county, "Asking relief." Read and referred to Committee on Private Land Claims.

Senator Baker, Chairman Finance Committee, submitted the following report :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Finance, to whom was referred Senate bill No. 750, "An act to regulate assessments in certain cases." have considered the same, and have recommended that it be passed, with the accompanying amendment.

Strike out all of section one. after the word "taxes," in line ten, and add the following words : "at the valuation to be fixed by the tax-payer, his agent or attorney, under oath; *provided*, however, that the Comptroller may reject the same, if he shall deem it too low, and may assess the value himself at such amount as he shall deem just and equitable."

W. R. BAKER, Chairman.

Senator Wood, for Committee on Internal Improvements, submitted the following reports :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Internal Improvements, ask leave to report back to the Senate, Senate bill No. 725, "An act to incorporate the Denison, Northern Texas and Rio Grande Railroad, and to grant land to aid in the construction thereof," and recommend its passage with the following amendment : Strike out all of section 18, after the word "individuals," in line five, section 18.

Wood, for Committee.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Internal Improvements ask leave to report back to the Senate, Senate bill No. 622, "An act

to amend 'an act to incorporate the Sherman, Wichita and Pan Handle Railroad Company,' " and recommend its passage. Wood, for Committee.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Internal Improvements, ask leave to report back to your honorable body, House bill No. 579, "An act to encourage the construction of narrow gauge railroads, and to cheapen transportation," and recommend that it do not pass. Wood, for Committee.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Internal Improvements ask leave to report back to your honorable body, the "Memorial of the National Board of Trade," and recommend that their prayer be granted. Wood, for Committee.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Internal Improvements ask leave to report back to the Senate, Senate bill No. 625, "An act to amend an act entitled an act to amend an act, approved April 22, 1874, entitled an act to repeal an act entitled 'an act to authorize counties, cities and towns to aid in the construction of railroads, and other works of internal improvement,' " and recommend that it do pass, with the following amendment: Strike out all of section one, after the word "repealed," in line 21.

Wood, for Committee.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Internal Improvements ask leave to report back to your honorable body, Senate bill No. 698, "An act to incorporate the Hockley and Montgomery Railroad Company," and recommend that it do pass, with the following amendment, to-wit:

Amend by inserting the following as an additional section to come in after section 8, and to be numbered section 9.

"Section 9. That the State of Texas hereby donates and grants to said company four sections of land, of six hundred and forty acres each, for each and every mile of road constructed and put in good substantial running order, and in accordance with the provisions of this act. That whenever said company shall complete and put in good substantial running order five miles of its road, it shall give notice of the

same to the Governor, through its President, secretary or some authorized agent; thereupon it shall be the duty of the Governor to appoint some skillful engineer, if there be no State engineer, to examine said completed road, and make report thereon, under oath, to the Commissioner of the General Land Office; and it shall be the duty of said Commissioner, if said road is shown to have been constructed in accordance with this act, to issue to said company four certificates, for six hundred and forty acres of land each, for each and every mile of road so constructed. That all land certificates that shall be issued to said company under the provisions of this act, shall be located and surveyed in alternate sections, the even numbers being reserved to the school fund; *provided*, that the State of Texas shall in no event be responsible for a deficiency in the public domain; *provided, further*, that no certificates unlocated on account of the previous exhaustion of the unlocated public domain, shall ever constitute any claim against the State of Texas. That the said company shall alienate the lands herein donated to them as follows: one-fourth in eight years, one-fourth in twelve years, one-fourth in sixteen years, and one-fourth in twenty years; *provided*, that said lands shall not be alienated to any other railroad corporation, nor to any person or firm in trust for said company, nor to any firm or corporation of which any stockholder of this company is a member."

WOOD, for Committee.

Senator Westfall, for Committee on Enrolled Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills ask leave to report that they have carefully examined, and find correctly enrolled Senate bill No. 644, "An act to incorporate the Fairfield, Hillsboro and Cleburne Railroad Company, and to grant lands to aid in the construction thereof," and have this 3d day of March, 1875, at 10:20 o'clock A. M., presented the same to the Governor for his approval.

W. H. WESTFALL, for Committee.

Senator Joseph, for Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 606, "An act to

validate the official acts of J. J. Metcalf, Surveyor of Palo Pinto Land District." Senate bill No. 752, "An act to authorize the county court of Bexar county to levy taxes." Senate bill No. 720, "An act to regulate the keeping and bearing deadly weapons in the cities and towns of this State." Senate joint resolution No. 755½, "Granting leave of absence from the State, to the Hon. F. P. Wood, Judge of the Thirty-fifth Judicial District." Senate bill No. 668, "An act to amend 'an act to adopt and establish a Penal Code for the State of Texas,' " approved August 28th, 1856. Senate bill No. 576, "An act, to amend 'an act to establish and maintain a system of public free schools in the State of Texas,' passed April 30th, 1873; and 'an act amendatory of the above recited act,' " approved May 2d, 1874. Senate bill No. 655, "An act to appropriate unexpended school moneys to be used for educational purposes in the school districts to which they belong." Senate bill No. 667, "An act to establish a Code of Criminal Procedure for the State of Texas," approved August 26th, 1856. Senate bill No. 498, "An act to enlarge the powers and define the duties of peace officers in the execution of process in criminal cases." Senate bill No. 630, "An act to validate the official acts of J. H. Jernigan as Notary Public of Hunt county." Senate bill No. 743, "An act to amend sections two and eleven of 'an act to incorporate the Beaumont, Corsicana and Fort Worth Railroad Company,' " passed May 29, 1873, and find all of same correctly engrossed. JOSEPH, for Committee.

Senator Westfall introduced a bill, entitled, "An act to incorporate the Austin, Georgetown and Belton Turnpike Company." Read first time and referred to Committee on Internal Improvements.

Senator Westfall introduced a bill, entitled, "An Act to incorporate the Georgetown and Rockdale Railroad Company." Read first time and referred to Committee on Internal Improvements.

Senator Baker introduced a bill, entitled, "An act to incorporate Mechanic Fire Company, No. 6, of the city of Houston." Read first time and referred to Committee on State Affairs.

Senator Morris introduced a joint resolution, "To amend section 9, article 9, of the constitution of the State." Read first time and referred to Committee on Constitutional Amendments.

A message from the House announced the passage of the following House bills, to-wit: House bill No. 788, "An act to incorporate the Brazos, Santiago and Rio Grande Canal Company, and to aid in the construction of the same." House bill No. 687, "An act in relation to holding a justice's court in the town of Terrell, in Kaufman county." House bill No. 698, "An act to be entitled, an act to provide for the trial and removal from office of Mayors and Aldermen of incorporated towns and cities." House bill No. 822, "An act to further define legal holidays in Texas." House bill No. 719, "An act making an appropriation to pay the commissioners appointed to appraise the alternate sections of land as surveyed by railroad companies, and set apart for common schools." House bill No. 770, "An act to amend section four of 'an act to incorporate the Austin and Pacific Short Line Railroad Company,'" passed May 30, 1873. House bill No. 755, "An act to amend section two of an act, entitled, 'an act to define the Tenth Judicial District of the State of Texas, and to prescribe the times for holding the courts' therein,'" approved March 5, 1874. Also, the following substitute for Senate bills No. 710 and No. 775, "An act to require the Texas and Pacific Railway Company to erect and maintain a depot at Texarkana within the limits of the State;" and the following Senate bills, to-wit: Senate bill No. 635, "An act amendatory of and supplementary to 'an act to organize and incorporate the East Line and Red River Railroad Company,' approved March 22d, 1871, and of the acts passed thereafter in relation to said company." Senate bill No. 480, "An act to amend 'an act to incorporate the Lake City Railway Company, and to aid in the construction of the said railway,'" approved May 2d, 1874. Senate bill No. 731, "An act to legalize the work as notary public of R. W. Walton, J. C. Bartlett and J. C. Baird, of Navarro county." Senate bill No. 707, "An act to amend section 324 of 'an act prescribing the mode of proceeding in the district courts in matters of probate,'" approved August 15th, 1870. Also, House concurrent resolution "Inviting General G. W. C. Lee to a seat upon the floor of both Houses, and providing for a joint committee to wait upon him." House concurrent resolution "that the second session of the Fourteenth Legislature adjourn *sine die* on Monday the 15th day of March, 1875, at 12 M." Also, that the House concurs in Senate amendment to House

bill No. 760, "An act for the relief of persons interested in the University lands, sold under the provisions of an act entitled 'an act for the sale and disposition of the University lands,'" approved May 30th, 1856, and an act amendatory thereof, approved November 12th, 1866.

Senator Moore introduced a bill entitled "An act to amend the first section of an act entitled 'an act to prescribe the time of the annual meetings of the Legislature,'" approved July 22, 1870. Read first time and referred to Committee on State Affairs.

Senator Bradshaw introduced a joint resolution, "Amending section 37, of article 3, of the constitution." Read first time and referred to Committee on Constitutional Amendments.

Senator Camp introduced a bill entitled "An act for the relief of H. C. Hunt and George W. Whitmore." Read first time and referred to Committee on State Affairs.

Senator Ireland introduced a bill entitled "An act repealing all laws requiring hotels and eating houses to procure a license or pay a tax, and vacating licenses now in force." Read first time.

Rules suspended, bill read second time and ordered engrossed.

On motion of Senator Wood, the rules were further suspended, bill read third time and passed.

Senator Wood introduced a bill entitled "An act to provide for the election of municipal officials in certain cases." Read first time and ordered to lie on the table.

Senator Joseph introduced a bill entitled "An act for the relief of J. M. O. Menard, special deputy for the collection of taxes in Galveston county." Read first time and referred to Finance Committee.

Senator Allison introduced a bill entitled "An act to regulate the sale of poisonous drugs." Read first time and referred to Committee on State Affairs.

On motion of Senator Hobby, House concurrent resolution, "To adjourn *sine die* on Monday the 15th inst., at 12 M," was taken up and adopted.

On motion of Senator Joseph, House concurrent resolution, "Inviting General G. W. C. Lee to a seat upon the floor of both Houses, and providing for a joint committee to wait upon him," was taken up and adopted.

The President appointed as the Senate committee, under said concurrent resolution, Senators Joseph and Bradley.

On motion of Senator Wood, the rules were suspended and Senate bill No. 599, "An act to regulate the fees of district attorneys in felony cases," was taken up and read second time, pending a substitute therefor, entitled "An act to regulate the fees of district attorneys in certain cases."

Substitute read first time, and the Senate refused to adopt the same.

Senator Ireland offered a substitute entitled "An act regulating salaries of district attorneys." Read first time, and the Senate refused to adopt the same by the following vote:

YEAS—Senators Davenport, Ireland, Joseph, Ledbetter and Swift—5.

NAYS—Senators Allison, Ball, Baker, Bradshaw, Bradley, Camp, Dillard, Erath, Friend, Hobby, Morris, Moore, Parker, Russell, Stirman, Westfall and Wood—17.

Senator Dillard offered the following amendment: Insert after the word "dollars," in first section, the following words: "except in cases of murder, or manslaughter, when he shall be entitled to receive a fee of fifty dollars for each conviction." Adopted by the following vote:

YEAS—Senators Ball, Baker, Bradshaw, Bradley, Camp, Dillard, Davenport, Erath, Hobby, Ireland, Joseph, Ledbetter, Morris, Moore, Stirman, Swift, Westfall and Wood—18.

NAYS—Senators Allison, Burton, Flanagan, Friend and Parker—5.

The bill, as amended, was then ordered engrossed.

On motion of Senator Wood, the rules were suspended, bill read third time and passed.

On motion of Senator Hobby, the rules were suspended, and Senate bill No. 758, "An act to retire the floating indebtedness of the State, and provide for funding the same," was taken up and made special order for Saturday next, at 11 o'clock A. M.

On motion of Senator Parker, the message of His Excellency, the Governor, received some days since, was taken up and read. The message was as follows:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, March 1st, 1875. }

Hon. R. B. Hubbard, President of the Senate:

SIR:—I return herewith, without my approval, Senate bill No. 638, and respectfully ask its reconsideration. This

bill provides for the issuance, by the county court of Travis county, of bonds in the sum of \$150,000, to bear ten per cent. per annum interest, and run twenty years; the proceeds of their sale to be devoted to the construction of a courthouse and jail.

I object to this bill for the following reasons :

First—It was the conviction of the Fourteenth Legislature, in which I concurred, that it was expedient to pass a general law authorizing county courts to tax the people for the purpose of raising money to erect and repair courthouses and jails, in view of the late constitutional amendment forbidding special legislation on subjects which may be provided for by general law, and accordingly on the 6th day of April, 1874, a law was passed authorizing a tax not to exceed one-third of one per cent. in any one year for this general purpose, which law is now in force, and is believed to be adequate to the wants of Travis county in this regard.

Second—I see no reason for excepting Travis county, from the operation of this general law, which would not equally apply to any other county in the State, and I believe it unwise and inexpedient to authorize bond-issues throughout the State for this purpose, and the special legislation that would be required, it is thought, would be of extremely doubtful constitutionality.

Third—The \$150,000 of bonds provided for by the bill, if sold at 85 cents nett on the dollar, which is at least as high as it is believed they will sell, will produce \$127,500. In twenty years the interest to be paid on these bonds will amount to \$300,000. Add to this the principal, \$150,000, also to be paid, and the total \$450,000 is the amount the taxpayers of Travis county must pay, while realizing only \$127,500. The sinking fund and interest to be paid annually by Travis county for twenty years, if these bonds are issued, will amount to \$18,000, leaving at the end of that time a considerable amount of the principal unpaid. As a financial transaction, I believe this would be unwise and improvident.

Fourth—I believe the amount provided by this bill for building a courthouse and jail extravagant, and that the rate of interest prescribed for the bonds, is excessive.

Fifth—On general principles of public policy, the practice of issuing bonds and creating debt by the counties, is believed to be inexpedient, as leading to extravagance, often

to speculation, and always to onerous taxation, greatly disproportioned to the benefits received.

Very respectfully, RICHARD COKE.

A message was received from the House, announcing that his Excellency, the Governor, had sent a communication to the House, with his objections to House bill No. 675, "An act to authorize the county court of Collin to issue bonds," and that the House had re-considered the bill, and passed the same by a two-thirds vote, notwithstanding the objection of the Governor.

On motion of Senator Wood, the rules were suspended, and the bill introduced by him this morning, entitled "An act to provide for the election of municipal officers," was taken up, read second time and ordered engrossed.

On motion of Senator Wood, the rules were further suspended, bill read third time and passed.

On motion of Senator Westfall, the message and original bill were referred to Judiciary Committee.

On motion of Senator Baker, the rules were suspended, and Senate bill No. 749, "An act to make appropriations for the support of the State government for the fiscal year, beginning September 1, 1875, and ending August 31, 1876," was taken up.

On motion of Senator Flanagan, the Senate went into a Committee of the Whole, Senator Flanagan in the chair.

IN SENATE.

The committee rose, reported progress, and asked leave to sit again.

On motion of Senator Wood, the Senate adjourned until 10 o'clock A. M. to-morrow.

FORTY-FOURTH DAY.

SENATE CHAMBER.
AUSTIN, March 4, 1875.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

Senator Wood, for Committee on Internal Improvements, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Internal Improvements ask leave to